

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

UNITED STATES OF AMERICA

VS.

JASON WHITTAKER,

Defendant

NO. 5: 06-CR-25 (DF)

VIOLATION: FIREARMS RELATED

**ORDER OF DETENTION PENDING TRIAL**

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a DETENTION HEARING was this day held in the above-captioned case before the undersigned. The defendant was represented by Mr. C. Brian Jarrard of the Macon Bar; the United States was represented by Assistant U. S. Attorney Tamarra Jarrett. Based upon the evidence presented to the court, the contents of the Pretrial Service Report dated March 20, 2006, and argument of counsel, I conclude that the following facts require the detention of the defendant pending the trial of this case

**PART I - FINDINGS OF FACT**

- ☐ (1) There is PROBABLE CAUSE to believe that the defendant has committed an offense  
☐ for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act.  
☐ under 18 U.S.C. §924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding (1) that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

ALTERNATIVE FINDINGS

- ☒ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

**PART II - WRITTEN STATEMENT OF REASONS FOR DETENTION**

Applying the factors set forth in 18 U.S.C. §3142(g), I find that the evidence presented at the DETENTION HEARING, as supplemented by information contained in the Pretrial Services Report of the U. S. Probation Office dated March 20, 2006, establishes by clear and convincing evidence that no condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the future appearance of defendant Whittaker or the safety of the community were he to be released from custody at this time. Although the defendant is a life-long resident of Houston County, Georgia, the offense charged against the defendant is a serious firearms offense for which he faces long-term imprisonment if convicted. He is a convicted felon. His estimated guideline sentencing range is 262 months to 327 months in prison. The weight of evidence appears to be strong, with firearms having been found in a stolen automobile being driven by the defendant.

Defendant Whittaker has a significant felony conviction record which includes the following: AGGRAVATED BATTERY, 2000, Superior Court of Houston County, Georgia; BURGLARY, 2000, Superior Court of Houston County; RIOTING IN A PENAL INSTITUTION, 2002, Superior Court of Dooly County.

The defendant is currently under indictment in Houston County, Georgia, for numerous offenses alleged to have occurred in October and December of 2005; no bond has been set in these cases. Defendant Whittaker has a history of numerous probation revocations in Houston County. He also has a history of illegal drug usage involving marijuana, cocaine, and methamphetamine.

Defendant Whittaker has exhibited a propensity to involve himself in violent crimes and has a history of fleeing from law enforcement officers. For all of the reasons set forth herein, pretrial detention is mandated. IT IS SO ORDERED.

### PART III - DIRECTIONS REGARDING DETENTION

The defendant is hereby committed to the custody of the Attorney General of the United States or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED, this 29<sup>th</sup> day of MARCH, 2006.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE